

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Robert MARTUZA *et al.*

Title: **REPLICATION-COMPETENT HERPES SIMPLEX VIRUS  
MEDIATES DESTRUCTION OF NEOPLASTIC CELLS**

Appl. No.: 10/788,410

Filing Date: 3/1/2004

Examiner: SHEN, Wu Cheng Winston

Art Unit: 1632

Confirmation No.: 4953

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop After Final  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

To comply with the duty of disclosure pursuant to 37 CFR §1.56, applicants submit the accompanying Form PTO/SB/08, a listing of a document known to them. A copy of each non-U.S. patent document and each non-patent document also is submitted, to comply with 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of this application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants waive no right to take any action that would be appropriate to antedate or

otherwise to remove as a competent reference any document determined to be a *prima facie* art reference against the claims of the application.

#### **TIMING OF THE DISCLOSURE**

The listed document is being submitted in compliance with 37 CFR §1.97(d), before payment of the issue fee.

#### **RELEVANCE OF EACH DOCUMENT**

Document I1 is an office action issued in a co-pending application that is related to the present application under 35 U.S.C. § 120.

The cited document is in English.

Applicants respectfully request that the examiner consider and make each listed document of record, and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

#### **STATEMENT**

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this supplemental information disclosure statement was first cited in a communication in a counterpart application not more than three (3) months prior to filing of this Statement.

#### **FEE**

Fees in the amount of \$180.00 to cover the fee associated with an information disclosure statement under 37 CFR §1.97(d) are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees, which may be required under 37 C.F.R. §§ 1.16-1.17, and to credit any overpayment to Deposit Account

No. 19-0741. Should no proper payment accompany this paper, then the Commissioner is authorized to charge the unpaid amount to the same deposit account.

Respectfully submitted,

Date August 8, 2011

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